

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA]	
]	
v.]	Cr. No. 12-Cr-130-SM
]	
FREDERICK V. McMENIMEN, III]	

DEFENDANT'S RESPONSE TO GOVERNMENT'S *PARTIALLY ASSENTED TO*
MOTION FOR PRETRIAL HEARING TO DETERMINE DEFENDANT'S
COMPETENCY

Counsel for defendant Frederick V. McMenimen, III responds to the Government's
Partially Assented to Motion for Pretrial Hearing to Determine Competency as follows.

The government received a copy of a report of a forensic evaluation about the defendant's competence to go to trial or to enter a plea.

The defense does not object to the scheduling of a hearing on the defendant's competence. However, it requests that the hearing be scheduled on or after April 30, 2013 for the following reasons.

Undersigned counsel will be out of the country on unpaid leave in lieu of mandatory furlough days from April 15 through April 19 and on annual leave from April 22 to April 24, 2013. He expects to be back in this country and at his office on April 25 to face whatever backlog might have arisen in his absence. He has two substantial hearings scheduled for April 30, a sentencing in US v. Ulloa and a suppression hearing in US v. Joubert.

There is no co-counsel assigned to represent the defendant in this case, which presents difficult issues, including marshaling a substantive defense and maintaining effective attorney-client communications. Other counsel in the Federal Defender office have their own clients to represent and know little about the convoluted history of this case. It would be unrealistic and

detrimental to the defendant for the competency hearing to be scheduled in the absence of undersigned counsel and before he has been able to give adequate attention to the matters to be addressed at that hearing.

WHEREFORE, it is respectfully requested that the Court grant said relief and such other and further relief as may be just.

Respectfully submitted,

FREDERICK V. McMENIMEN, III,
By His Attorney,

Date: April 12, 2013

/s/ Bjorn Lange
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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2013 the above document was served via ECF to AUSA William Morse and any other counsel of record..

/s/ Bjorn Lange
Bjorn Lange